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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,948	12/30/1999	BRIAN PARSONNET	25302	2982

7590                  06/13/2005

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EXAMINER
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JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/474,948	PARSONNET ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Romain Jeanty	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Response to Amendment**

1. This Office action is in response to the amendment filed December 29, 2004. The amendment has been considered and entered. Claims 1-30 are still pending in the application.

### **Response to Arguments**

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-12, 15-19-22, 25-30 are rejected under 35 U.S.C 103(a) as being unpatentable by Shkedy (U.S. Patent No. 6,067,525) in view of McAtee (U.S. Patent No. 5,301,320).

As per claim 1, 5-11 and 15-16, 19-22, and 29-30, Shkedy discloses a systems and methods for providing a global bilateral buyer-driven system for creating binding contracts between sellers and buyers. In so doing, Shkedy discloses a main controller "i.e. a central controller for receiving a forward purchase order from and creating" capable of creating a first

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work flow record used to control a first work flow associated with a first service request and storing said first work flow record in a storage device associated with said main controller main controller or (i.e., creating an actual order) (See figure 17, element S204 and col. 5, lines 41-48), generating a status record of the purchase order information in a remote server associated with the central controller (i.e., the order status module for generating order status record)(col. 5, lines 52-65); the central controller transmitting messages between the sellers and buyers regarding the status record of the purchase order (col. 17, lines 24-32); wherein said main controller is further capable of receiving from a first customer and a first vendor associated with said first work flow at least one of messages, storing said at least one of messages, in said storage device, and transferring at least one of said at least one of messages, to at least one of said first customer and said first vendor (i.e. a message database for storing messages received between a seller and a buyer) (col. 12, lines 29-55);

an account controller associated with said main controller capable of identifying at least one fee associated with said first work flow and storing fee data associated with said at least one fee in said first work flow record (i.e. charging a flat fee for the forward purchase order (col. 18, lines 23-48).

Shkedy does not explicitly disclose wherein said work flow is at least partially executed by said receiving, storing and transferring said at least one messages. McAtee in the same field of endeavor, discloses a computer system that can be configured to define, execute, monitor and control the flow of business operations. In so doing, McAtee discloses a workflow is at least partially executed by said receiving, storing and transferring said at least one messages (col. 3 line 62 through col. 4 lines 68). It would have been obvious to a person of ordinary skill in the

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art at the time the invention was made to modify the disclosures of Shkedy to incorporate the teachings of McAtee with the motivation to execute monitor and control the flow of business operations.

As per claim 2, Shkedy does not explicitly disclose wherein said first work flow record comprises a plurality of work flow definitions defining at least one process step to be performed by at least one of said main controller, said accounting controller, a first customer processing device associated with said first customer, and a first vendor processing device associated with said first vendor. McAtee in the same field of endeavor, discloses a computer system that can be configured to define, execute, monitor and control the flow of business operations comprising a database of workflow definitions (col. 6, lines 7-13). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shkedy to include the teachings of McAtee. A person having ordinary skill in the art would have been motivated to use a modification with the motivation to execute monitor and control the flow of business operations.

As to claims 5 and 6, the combination of Shkedy and McAtee fails to explicitly disclose the step "a primary work flow record" associated with a service request and a secondary workflow record associate with a second request. However, since a workflow record is associated with the first service request, it would have been obvious to a person having ordinary skill in the art to modify the disclosures of Shkedy and McAtee al's system to incorporate a secondary workflow record with the motivation track the workflow associated with the processing of the service requests.

As to claims 7 and 8, Shkedy discloses charging billing rates to a customer for a to service request (see claim 1 above) but the combination of Shkedy and McAtee does not explicitly disclose identifying at least one additional fee associated with a said second work flow and storing second fee associated with said at least one additional fee in said first work flow record. However, these features are equivalent having more steps or additional labor time to perform a service request for a customer. Including these features into Shkedy and McAtee would have been obvious to a person of ordinary skill in the art for charging the customer an additional fee for the incurred labor.

As per claim 12, Shkedy does not explicitly disclose wherein said first work flow record comprises a plurality of work flow definitions defining at least one process step to be performed by at least one of said main controller, said accounting controller, a first customer processing device associated with said first customer, and a first vendor processing device associated with said first vendor. McAtee in the same field of endeavor, discloses a computer system that can be configured to define, execute, monitor and control the flow of business operations comprising a database of workflow definitions (col. 6, lines 7-13). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Shkedy to include the teachings of McAtee. A person having ordinary skill in the art would have been motivated to use a modification with the motivation to execute monitor and control the flow of business operations.

As to claims 15 and 16, the combination of Shkedy and McAtee fails to explicitly disclose the step "a primary work flow record" associated with a service request and a secondary workflow record associate with a second request. However, since a workflow record is

associated with the first service request, it would have been obvious to a person having ordinary skill in the art to modify the disclosures of Shkedy and McAtee al's system to incorporate a secondary workflow record with the motivation to track the workflow associated with the processing of the service requests.

As to claims 17 and 18, Shkedy discloses charging billing rates to a customer for the forward purchase order (see claim 1 above), but the combination of Johnson and McAtee does not explicitly disclose identifying at least one additional fee associated with a said second work flow and storing second fee associated with said at least one additional fee in said first work flow record. However, these features are equivalent having more steps or additional labor time to perform a service request for a customer. Including these features Shkedy and McAtee would have been obvious to a person of ordinary skill in the art for charging the customer an additional fee for an incurred labor.

As to claims 25 and 26, the combination of Shkedy and McAtee fails to explicitly disclose the step "a primary work flow record" associated with a service request and a secondary workflow record associate with a second request. However, since a workflow record is associated with the first service request, it would have been obvious to a person having ordinary skill in the art to modify the disclosures of Shkedy and McAtee's system to incorporate a secondary workflow record with the motivation track the workflow associated with the processing of a service request.

As to claims 27 and 28, the combination of Shkedy discloses charging billing rates to a customer for a to service request (see claim 1 above), but the combination of Shkedy and McAtee does not explicitly disclose identifying at least one additional fee associated with a said

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second work flow and storing second fee associated with said at least one additional fee in said first work flow record. However, these features are equivalent having more steps or additional labor time to perform a service request for a customer. Including these features into Shkedy and McAtee would have been obvious to a person of ordinary skill in the art for charging the customer an additional fee for an incurred labor.

5. Claims 3, 4, 13-14 and 23-24 are rejected under 35 U.S.C 103(a) as being unpatentable over Johnson (U.S. Patent No. 6,067,525) in view of Shkedy (U.S. Patent No. 5,9874,22) in view of McAtee (U. S. Patent No. 5,987,422) as applied to claims 1, 11 and 21 above and further in view of Flores (U.S. Patent No. 6,073,109).

As per claims 3-4, 13-14 and 23-24, the combination of Shkedy and McAtee et al does not explicitly disclose which party modifies the work orders or the work plan. However, a customer or vendor can modify work orders based on the price it will cost to repair a customer's equipment or the time it will take to fix or repair the equipment. Usually customers and vendor negotiate on prices. Therefore, allowing a customer or vendor to modify the work flow definitions would have been obvious to a person of ordinary skill in the art in order to have a dynamic or a flexible system.

Furthermore, Flores et al discloses computerized method and system for managing business processes using linked workflow which modifies workflow definitions (col. 26, lines 62 through col. 27 line 55). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Shkedy and McAtee to include a workflow definitions modification as evidenced by Flores et al. A person having ordinary skill in

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the art would have been motivated to use a modification because it would enable an application builder to create modify and delete definition documents in a database.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Hsu (U.S. Patent No. 5,581,691) discloses a workflow management system for executing a workflow item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C 20231 or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, and seventh floor receptionist.

April 4, 2005

*Romain Jeanty*  
ROMAIN JEANTY  
PRIMARY EXAMINER  
Art Unit 3623